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Attorney for Plaintiff
FREDERICK WARE III

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
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FREDERICK WARE III,

Plaintiff,

v.

Kilolo Kijakazi, ACTING
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 2:21-cv-00203-AC

STIPULATION AND
PROPOSED ORDER
APPROVING SETTLEMENT
OF ATTORNEY FEES UNDER
THE EQUAL ACCESS TO
JUSTICE ACT
[28 U.S.C. §2412(d)]

THE PARTIES STIPULATE through the undersigned, subject to the approval of the Court, that plaintiff be awarded attorney fees in the amount of Five Thousand Five Hundred dollars (\$5,500.00) under the *Equal Access to Justice Act*, 28 U.S.C. §2412(d) and that there will be no award of costs. This will represent compensation for all legal services rendered by counsel for plaintiff in this civil action and in accordance with that statute.

1 Upon the Court's order, defendant will consider the assignment of those *EAJA* fees
2 pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2252-2253 (2010), considering any offsets allowed
3 under the United States Department of Treasury's Offset Program. Fees shall be made payable to
4 plaintiff, but if the Treasury Department determines plaintiff owes no federal debt, then the
5 government shall pay the fees directly to Jesse S. Kaplan based on an assignment executed by
6 plaintiff and will deliver the payment to said counsel.
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8 This stipulation constitutes a compromise settlement of plaintiff's request for *EAJA* fees
9 and not an admission of liability of defendant under the *EAJA*. Payment of this agreed amount
10 shall constitute a complete release and bar of plaintiff and his counsel regarding *EAJA* fees
11 relating to this action. This award is without prejudice to plaintiff's counsel's right to fees under
12 42 U.S.C. §406(b), subject to the savings clause provisions of the *EAJA*.
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16 Dated: December 11, 2022

/s/ Jesse S. Kaplan

17 JESSE S. KAPLAN
18 Attorney for Plaintiff

19 Dated: December 12, 2022


/s/ per email authorization

20 TIMOTHY R. BOLIN
21 Special Assistant U.S. Attorney
22 Attorney for Defendant
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ORDER

GOOD CAUSE APPEARING from the foregoing stipulation, IT IS ORDERED that defendant pay plaintiff's attorney fees pursuant to the *EAJA* in accordance with this stipulation. Plaintiff's previously filed motion for *EAJA* fees is denied as moot.

DATED: December 14, 2022



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE